

Date of decision: March 11,1996

For Approval and Signature:

The Hon'ble Mr.Justice N.J.Pandya

The Hon'ble Mr.Justice A.R.Dave

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India,1950 or any.. thereunder?
5. Whether it is to be circulated to the Civil Judge?

Mr.Y.N.Oza, L.A. for the appellants
Mr.R.H.Mehta, L.A. for the respondents

Coram: N.J.Pandya & A.R.Dave,JJ.
March 11,1996

ORAL JUDGMENT (Per N.J.Pandya,J.)

This matter ought to have been disposed of along with the group of Appeals No.1391/84 to 1396/84, 1398/84 to 1401/84 and 1403/84 disposed of by a Division Bench of this Court on 25-1-1995. The present appeal is filed by the original claimant praying for enhancement of the amount awarded by the tribunal, Surendranagar. So far as the present appeal is concerned, the claimants are

parents of an unmarried boy, who have been awarded Rs.31,600/- though in the trial Court they had claimed Rs.4 lakhs.

2. Looking to the fact that the boy was aged 26 years, he soon would have got married. The learned tribunal Judge has taken 1/3rd of the amount as available for the family for working out compensation payable for parents. In the earlier decision in the aforesaid group of appeals respectively filed by owner, driver and insurance company on one side and the claimants on the other, were disposed of by observing that taking the overall view of the matter, neither the Company, driver or owner can make a grievance that the amount awarded is exaggerated nor can the original claimant say that it is very conservative. In other words, the learned Judges were of the opinion that no interference is called for. We find ourselves in agreement with that. Hence, the present appeal is dismissed with no order as to costs.
